

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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BRIT FANUEL AUGBORNE, III,

Case No. 2:19-cv-01204-KJD-BNW

Petitioner,

ORDER

v.

BRIAN WILLIAMS, et al.,

Respondents.

On November 12, 2020, this court denied pro se 28 U.S.C. § 2254 habeas corpus petitioner Brit Fanuel Augborne, III's motion to grant petition and motion for reconsideration (ECF Nos. 16 and 18).

The court further directed Augborne to choose to either (1) return to state court to exhaust his unexhausted petition, in which case his federal habeas petition will be denied without prejudice;¹ or (2) file a motion asking this court to stay and abey his unexhausted federal habeas petition while he returns to state court to exhaust his unexhausted claims.

On January 5, 2021, Augborne filed a motion for a status check (ECF No. 27). While not entirely clear, it appears from this filing that Augborne did not receive the order denying his motions to grant petition and for reconsideration. Out of an abundance of caution, the court directs the Clerk of Court to resend a copy of the order at ECF No. 26 dated November 12, 2020.

¹ The court makes no assurances as to the timeliness of any future-filed petition.

1 Augborne will have 30 days from the date of this order to make his election
2 regarding unexhausted claims. The court is highly unlikely to extend that deadline,
3 absent extraordinary circumstances.

4 **IT IS THEREFORE ORDERED** that the Clerk send to petitioner one copy of this
5 court's order dated November 12, 2020 at ECF No. 26.

6 **IT IS FURTHER ORDERED** that petitioner's motion for an order and status
7 check (ECF No. 27) is **DENIED**.

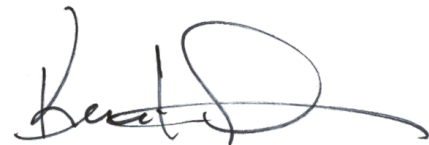
8 **IT IS FURTHER ORDERED** that within **30 days of the date of this order**
9 petitioner must either:

10 1. Inform the court that he wishes to return to state court to
11 exhaust his unexhausted petition, in which case his federal habeas petition
12 will be denied without prejudice; or

13 2. File a motion asking this court to stay and abey his
14 unexhausted federal habeas petition while he returns to state court to
15 exhaust his unexhausted claims.

16 **IT IS FURTHER ORDERED** that if petitioner fails to respond to this order,
17 this action may be dismissed.

18 DATED: 11 January 2021.



KENT J. DAWSON
UNITED STATES DISTRICT JUDGE